

SDMS # 88040530

AR1266

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

IN THE MATTER OF:

Montrose Chemical Corporation of  
California,

RESPONDENT.

Proceeding Under Section 106(a)  
of the Comprehensive Environ-  
mental Response, Compensation,  
and Liability Act of 1980  
(42 U.S.C. §9606(a))

ORDER

U.S. EPA Docket No. 88-10

I. JURISDICTION

The following Order is issued to Montrose Chemical Corporation of California ("Respondent"), pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("EPA" or "Agency") and further delegated to the Assistant Administrator for Solid waste and Emergency Response, the Regional Administrators, and Director of the Toxics and Waste Management Division, EPA, Region IX.

1           The Director, Toxics and Waste Management Division, EPA  
2           Region IX has determined that there may be an imminent or  
3           substantial endangerment to the public health or welfare or to  
4           the environment because of an actual or threatened release of  
5           hazardous substances from a facility owned by Montrose Chemical  
6           Corporation (hereinafter "Montrose").

7           This Order directs Montrose to undertake actions to protect  
8           public health and the environment from this endangerment.

9                           II. STATEMENT OF PURPOSE

10           In issuing this Order, the objective of EPA is to prevent  
11           further migration of contaminants in near-site areas through  
12           wind dispersion and surface run-off, to limit migration of  
13           contaminants into ground water, and to prevent direct human  
14           contact with the contaminated soils.

15                           III. FINDINGS OF FACT

16           A. Background

17           1. Montrose Chemical Corporation of California operated a  
18           plant which manufactured dichlorodiphenyltrichloroethane (DDT).  
19           The plant occupied a 13-acre parcel of property ("Montrose  
20           site" or "the Site") located at 20201 South Normandie Avenue in  
21           an unincorporated portion of Los Angeles County near Torrance,  
22           California, and was in operation from 1947 to 1982. The Site  
23           is surrounded by a heavy industrial area to the southwest and  
24           north, light industrial area to the east and immediate south,  
25           and by an agricultural area to the west. Approximately one  
26           quarter mile to the south and southwest is a residential area  
27           with about 3,000 residents.

28           / / /

1           2. The following raw materials were used to manufacture  
2 and process DDT.

3           Ammonium and sodium lignin sulfonates (Orzan)  
4           Amorphous silicon dioxide hydrate (Hi-Sil 233)  
5           Calcium silicate synthetic (Micro-Cel E)  
6           Calcium sulfate dihydrate (industrial ground gypsum)  
7           Chloral (trichloroethanal)  
8           Monochlorobenzene (MCB)  
9           Oleum - 65% (fuming sulfuric acid)  
10          Sodium-N-methyl-N-oleoyl taurate (Igepon T-77)  
11          Sulfonated lignin (Reax 45A)  
12          Sodium hydroxide - 50% solution

13          3. DDT and MCB are hazardous substances as defined by  
14 §101(14) of CERCLA.

15          4. Storm-water runoff from portions of the plant was  
16 directed to a waste settling and recycling impoundment.  
17 The impoundment was unlined until 1970.

18          5. Storm-water runoff from other portions of the plant  
19 flowed to the southeast corner of the plant site, offsite  
20 through an unlined ditch, and eventually entered the Torrance  
21 Lateral. Water from the Torrance Lateral flows to the Dominguez  
22 Channel, which empties into the Consolidated Slip portion of  
23 Los Angeles Harbor.

24          6. Nine out of 14 shallow borings obtained in the Los  
25 Angeles Department of Water and Power Easement directly south  
26 of the site show contamination with DDT in concentrations  
27 exceeding 1 part per million (ppm). The highest concentration  
28 of 630 ppm was detected near a historic drainageway from the  
Montrose site. BHC in concentrations up to 17.0 ppm was also  
detected in this boring. Acetone was detected in 2 of the 14  
borings at concentrations ranging from 4.0 to 21.0 ppm.

7. 14 of the 16 shallow borings in the Normandie Avenue

1 drainage ditch, which borders the site to the east, showed  
2 contamination with DDT in excess of 1 ppm. The maximum  
3 concentration detected was 8,600 ppm. Detectable levels of BHC  
4 were found in 10 of the 16 borings, including a maximum  
5 concentration of 81 ppm.

6 8. One of three borings in Southern Pacific Railroad  
7 property, south-southeast of Montrose showed contamination with  
8 DDT up to 11 ppm.

9 9. The three areas sampled are publicly accessible and  
10 known to be used for bicycle, pedestrian and light truck traffic,  
11 providing a direct route of human exposure. In addition,  
12 contaminants are subject to further migration through wind  
13 dispersion, surface run-off and infiltration into groundwater.

14 B. Conclusions of Law and Determinations

15 Based on the Background information set out in Paragraph A  
16 of this Article, EPA has determined that:

17 1. The Montrose site is a "facility" as defined in Section  
18 101(9) of CERCLA, 42 U.S.C. § 9601(9).

19 2. Montrose Chemical Corporation of California is a "person"  
20 as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

21 3. Wastes, including DDT, and their constituents at the  
22 site are "hazardous substances" as defined in Section 101(14)  
23 of CERCLA, 42 U.S.C. § 9601(14).

24 4. The past, potential future current and migration of  
25 hazardous substances from the Site constitutes actual and/or  
26 threatened "releases" as defined in Section 101(22) of CERCLA,  
27 42 U.S.C. § 9601(22).

28 / / /

1 5. Montrose is a potentially responsible party, pursuant  
2 to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

3 6. The actual and/or threatened release of hazardous  
4 substances from the Site may present an imminent and substantial  
5 endangerment to the public health or welfare or the environment,  
6 as defined in §101(14) of CERCLA, 42 U.S.C. § 9601(14).

7 7. In order to prevent or mitigate immediate and  
8 significant risk to public health and the environment, it is  
9 necessary that immediate action be taken to contain and prevent  
10 the release or threatened release of hazardous substances from  
11 the facility.

12 8. The response measures ordered herein are consistent  
13 with the National Contingency Plan, 40 C.F.R. Part 300.

14 IV. WORK TO BE PERFORMED

15 A. Scope of Work:

16 Based upon the forgoing Findings of Fact, Conclusions of  
17 Law, and Determinations, Montrose is hereby directed to  
18 implement the following measures:

19 1. Seven (7) days after the effective date of this Order,  
20 Montrose shall submit a proposal for undertaking temporary  
21 capping measures in the areas designated in Attachment A  
22 (attached hereto and incorporated by reference herein). The  
23 proposal should include the requirements outlined in Attachment  
24 B (attached hereto and incorporated by reference herein). The  
25 proposal shall contain a schedule for implementation. The cap  
26 which is the subject of this Order is meant to be an interim  
27 measure and is not meant to be a final remedy for the contamination  
28 in these areas.

1           2. Two (2) days after EPA approval of the temporary capping  
2 measure proposal, Respondent shall begin implementation of the  
3 plan. The plan shall be fully implemented within the time  
4 period set forth in the schedule.

5           3. Once installed, Montrose shall regularly inspect and  
6 maintain the cap to repair any cracks that will allow infiltration  
7 of rainwater or cap erosion.

8       B. Contractors

9           The Work shall be performed under the direction and  
10 supervision of a qualified professional engineer, and/or any  
11 other necessary individual with expertise in hazardous waste  
12 site remediation. Prior to commencement of the work, Montrose  
13 shall notify EPA of the name and title of such individuals,  
14 contractors, or subcontractors, who will perform the work.

15       C. Project Coordinator

16           Within two (2) days of the effective date of the Order,  
17 Montrose shall designate and provide EPA with the name and  
18 address of a Project Coordinator. To the maximum extent  
19 possible, all oral communications between Montrose and EPA  
20 concerning the activities performed pursuant to this Order  
21 shall be directed through the Project Coordinators. All  
22 documents, including progress and technical reports, approvals,  
23 and other correspondence concerning the activities performed  
24 pursuant to the terms and conditions of this Order shall be  
25 delivered to the EPA Project Coordinator in accordance with  
26 Section VI, infra. The EPA Project Coordinator for this project  
27 shall be:

28       / / /

1 Ms. Johanna Miller  
2 EPA Project Coordinator (T-4-2)  
3 U.S. Environmental Protection Agency, Region IX  
4 215 Fremont Street  
5 San Francisco, CA 94105

6 D. Reporting Requirements

7 Within fifteen (15) calendar days of completion of the  
8 activities outlined above, Montrose shall submit to EPA a report  
9 describing the interim capping implementation and a plan for  
10 maintenance of the paved areas.

11 V. COMPLIANCE WITH APPLICABLE LAWS

12 In carrying out the terms of this Order, Montrose shall  
13 comply with all applicable federal, state, and local laws and  
14 regulations. All hazardous substances and wastes removed from  
15 the facility must be handled in accordance with all applicable  
16 laws, including Subtitle C of the Resource Conservation and  
17 Recovery Act, 42 U.S.C. 6921 et seq., 40 CFR parts 262, 263, and  
18 265, and the California Hazardous Waste Control Act, California  
19 Health and Safety Code § 25100 et seq.

20 VI. SUBMITTALS

21 All submittals and notifications to EPA pursuant to this  
22 Order shall be made to:

23 1. Three copies of documents to be submitted to EPA should  
24 be sent via overnight mail to:

25 Ms. Johanna Miller  
26 EPA Project Coordinator (T-4-2)  
27 US Environmental Protection Agency, Region IX  
28 215 Fremont Street  
San Francisco, California 94105

One copy of documents to be submitted to EPA shall also  
be sent to:

/ / /

1 Mr. Robert P. Ghirelli  
2 Executive Officer  
3 Regional Water Quality Control Board  
4 107 South Broadway, Room 4027  
5 Los Angeles, California 90012

6 Mr. Angelo Bellomo  
7 Chief, Southern California Section  
8 Toxic Substances Control Division  
9 Department of Health Services  
10 107 South Broadway, Room 7128  
11 Los Angeles, California 90012

12 Montrose must consult with the above listed regulatory  
13 agencies to ensure that the plans submitted pursuant to this  
14 Order are consistent with state and local requirements. No  
15 informal advice, guidance, suggestions or comments by EPA  
16 regarding reports, plans, specifications, schedules or any  
17 other writing shall be construed to relieve Montrose of its  
18 obligation to obtain such formal approvals as may be required  
19 herein.

## 20 VII. ACCESS

21 To the extent that the work to be performed under this  
22 Order must be performed on property owned or controlled by  
23 parties other than Montrose, Montrose will use its best efforts  
24 to obtain access agreements from the present owners, as the  
25 need for such access may arise. Such agreements shall provide  
26 reasonable access to Montrose, its contractors and agents, EPA,  
27 and its contractors and agents and, if necessary, the State  
28 Department of Health Services, South Coast Air Quality Management  
District. In the event Montrose cannot obtain such access,  
Montrose shall immediately notify EPA regarding both the lack  
of, and efforts to obtain such agreements.

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1 EPA and/or any EPA authorized representative shall at least  
2 have the authority to enter and freely move about all property  
3 at the Site at all reasonable times for the purposes of, inter  
4 alia: reviewing the progress of Montrose in carrying out the  
5 terms of this Order; conducting such tests as EPA or the Project  
6 Coordinator deem necessary; using a camera, sound recording, or  
7 other documentary type equipment; and verifying the data  
8 submitted to EPA by Montrose. All parties with access to the  
9 Site pursuant to this Article shall comply with approved health  
10 and safety plans.

#### 11 VIII. ON-SCENE COORDINATOR

12 EPA shall appoint an On-Scene Coordinator (OSC) who shall  
13 have the authority to be on-site at all times when response work  
14 is being undertaken pursuant to this Order. The OSC shall have  
15 the authority vested in the "On-Scene Coordinator" by 40 C.F.R.  
16 Part 300, et seq.

#### 17 IX. ENDANGERMENT DURING IMPLEMENTATION

18 In the event that the Director, Toxics and Waste Management  
19 Division, EPA, Region IX determines that any activities (whether  
20 pursued in implementation of or in noncompliance with this Order)  
21 or circumstances are endangering the health and welfare of people  
22 on the site or in the surrounding area or to the environment, the  
23 Director may order Montrose to stop further implementation of  
24 this Order for such period of time as needed to abate the  
25 endangerment.

#### 26 X. DISCLAIMER OF EPA LIABILITY

27 EPA shall not be liable for the contracts, acts, errors or  
28 omissions of the agents, employees or contractors of Montrose

1 entered into, committed or performed with respect to or in the  
2 performance of this Order, nor shall EPA be liable for any injury  
3 or damages to persons or property resulting from the acts or  
4 omissions of Montrose, its agents, contractors or employees in  
5 carrying out activities pursuant to this Order. Any standards,  
6 procedures or protocols prescribed in this Order, as well as the  
7 oversight and review of the implementing plans to be followed by  
8 Montrose in the performance of its obligations under this Order  
9 are for assurance of the quality, accuracy and completeness of  
10 the Work and do not constitute a right to control the actions of  
11 Montrose other than to the extent specifically provided for in  
12 this Order.

13 EPA is not a party to any contract Montrose may enter into  
14 regarding the work to be performed at the Site. Nothing  
15 contained in this Order shall be construed to create, either  
16 expressly or by implication, the relationship of agency between  
17 EPA and Montrose. Montrose, its employees and contractors are  
18 not authorized to represent or act on behalf of EPA, its  
19 employees and contractors in any matter related to this Order.

#### 20 XI. PENALTIES FOR NONCOMPLIANCE

21 A willful violation or failure or refusal to comply with  
22 this Order, or any portion thereof, may subject Montrose to a  
23 civil penalty of not more than \$25,000 per each day in which a  
24 violation occurs or such failure to comply continues, pursuant  
25 to the provisions of Section 106(b) of CERCLA, 42 U.S.C. §9606(b).  
26 Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3) also provides  
27 for punitive damages in an amount up to three times the total  
28 of all costs incurred by the Government if a Respondent fails to

1 comply with an Order without sufficient cause.

2 EPA may take over the response actions required by this  
3 Order at any time if EPA determines that Montrose is not  
4 taking appropriate action under this Order. In the event EPA  
5 assumes responsibility for these actions, Montrose shall be  
6 liable for all costs incurred by EPA to perform this work. EPA  
7 reserves the right to take any enforcement action pursuant to  
8 CERCLA and/or any available legal authority, including the right  
9 to seek injunctive relief, monetary penalties, and punitive  
10 damages for any violation of law or this Order. EPA may order  
11 additional actions if deemed necessary by EPA to protect the  
12 public health or welfare or the environment.

13 XII. OPPORTUNITY TO CONFER

14 Montrose may request a conference with the Director, Toxics  
15 and Waste Management Division, EPA Region IX or his staff to  
16 discuss the provisions of this Order. At any conference held  
17 pursuant to your request, you may appear in person or by counsel  
18 or other representatives for the purpose of presenting any  
19 objections, defenses or contentions which you may have regarding  
20 this Order. If you desire such a conference, you must make  
21 such request orally within 24 hours of receipt of this Order,  
22 to be immediately confirmed in a written request. Please make  
23 any such request to either of the contact persons listed below.

24 XIII. PARTIES BOUND

25 This Order Shall apply to and be binding upon Montrose, its  
26 officers, directors, agents, employees, contractors, successors  
27 and assigns.

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1                                   XIV. NOTICE OF INTENT TO COMPLY

2           Immediately upon receipt of this Order, Montrose shall  
3 orally inform EPA of its intent to comply with the terms of  
4 this Order. This shall be confirmed in writing within two (2)  
5 days of receipt of this Order.

6                                   XV. RECORD PRESERVATION

7           Montrose shall preserve, during the pendency of this Order  
8 and for a minimum of six (6) years after its termination, all  
9 records and documents in their possession or in the possession  
10 of their divisions, employees, agents, accountants, contractors,  
11 or attorneys which relate in any way to the Site, despite any  
12 document retention policy to the contrary. After this six year  
13 period, Montrose shall notify EPA within thirty (30) calendar  
14 days prior to the destruction of any such documents.  
15 Additionally, if EPA requests that some of or all documents be  
16 preserved for a longer period of time, and establishes a  
17 reasonable basis for that request, Montrose shall comply with  
18 that request.

19                                  XVI. EFFECTIVE DATE

20           Notwithstanding any conferences requested pursuant to the  
21 provisions of this Order, this Order is effective upon receipt,  
22 and all times for performance shall be calculated from that  
23 date.

24           It is so ordered on this 19<sup>th</sup> day of February, 1988.

25                                  UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

26  
27 By:



28                                  JEFF ZELIKSON  
DIRECTOR, TOXICS & WASTE MANAGEMENT DIVISION  
EPA, REGION IX

1 Contact Persons:

2 Johanna Miller  
3 Superfund Programs Branch (T-4-2)  
4 U.S. Environmental Protection Agency  
215 Fremont Street  
San Francisco, California 94105  
(415) 974-8530

5 Montrose On-Scene Coordinator  
6 Emergency Response Section (T-3-3)  
7 U.S. Environmental Protection Agency  
215 Fremont Street  
San Francisco, California 94105  
(415) 974-7464

8 Lisa Haage  
9 Assistant Regional Counsel (ORC)  
10 U.S. Environmental Protection Agency  
215 Fremont Street  
11 San Francisco, California 94105  
(415) 974-8043

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1 work, equipment, or employees, to a condition at least  
2 equal to that existing immediately prior to the beginning  
3 of operations. To this end, the Contractor shall do  
4 as required all necessary highway or driveway, walkway,  
5 and landscaping work. Suitable materials, equipment,  
6 and methods shall be used for such restoration. The  
7 restoration of existing property or structure shall be  
8 done as promptly as practicable as work progresses, and  
9 shall not be left until the end of the contract period.

10 C. DETAILED SPECIFICATIONS

11 1. AREA A (Parallel to Normandie Avenue)

12 The contractor shall prepare detailed specifications  
13 for placing a minimum of 3 inches of gunnite in this  
14 area. The specifications shall be in accordance with  
15 the Standard Specification for Public Works Construction,  
16 Southern California Chapter of the American Public  
17 Works Association, 1979 Edition.

18 The specifications should include a field quality control  
19 program.

20 2. AREA B (Los Angeles Department of Water and Power Easement)

21 The contractor shall prepare detailed specifications  
22 for lime treating the soil in this area to a depth of  
23 8 inches. The specifications shall be in accordance with  
24 the Standard Specification for Public Works Construction,  
25 Southern California Chapter of the American Public  
26 Works Association, 1979 Edition.

27 The specification should include:

28 a. A surface treatment that will produce a stable wearing  
surface for the anticipated traffic. Recommended is  
10-15 lbs. per square yard of 1/4 in. to No. 8 Sieve  
size aggregate mixed with 0.10 to 0.15 gallons of RS1,  
RS2, CRS-1 or CRS-2 asphalt per yard. Alternative  
methods may be proposed but are subject to approval by  
EPA and the Los Angeles Department of Water and Power.

b. Limits for moisture control in the field. Optimum  
moisture is 14 percent.

c. The method of mixing the soil and lime and curing  
of the in-place mixture.

d. Appropriate compaction requirements.

e. A field quality control program which would  
include at a minimum verifying the percent lime, compaction,  
and depth of mixing.

1 3. AREAS A & B

2 The contractor shall apply water for dust control in  
3 sufficient quantity to preclude dust emissions. The  
4 quantity water used shall not result in runoff from the  
5 site. Water application shall be in accordance with  
6 all United States Environmental Protection Agency,  
7 California Department of Health Services, and South  
8 Coast Air Quality Management Board regulations for  
9 remedial action at hazardous waste sites.  
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